

ULSTER TOWN BOARD MEETING

August 20, 2015 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY at 7 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN JOEL B. BRINK

TOWN COUNCILMAN ERIC KITCHEN

TOWN COUNCILMAN JOHN MORROW

TOWN COUNCILMAN ROCCO SECRETO

SUPERVISOR JAMES QUIGLEY 3rd

AGENDA ADDITIONS

Motion for the Supervisor to sign the 2015-2016 KCSD SRO Contract

PUBLIC COMMENT

None

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Morrow motioned to accept the minutes of the July 16th, July 21st, and July 31st, 2015 meetings, 2nd by Councilman Brink.

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

COMMUNICATIONS

A letter was read from Bernadette Hadden regarding issues in the Deer Run Community. She is concerned about stagnant water problems in streams bordering her yard and the yards of her neighbors. She believes they are a safety hazard and a possible health concern, and is asking the Town Board to address the issues. The second issue is the absence of street lights in the area. She believes this is a hazard and also creates a backdrop for criminal activity, and would like the Town Board to investigate the possibility of installing lighting in the area.

A letter was read from Catherine and Paul Roeber in regards to the rental of the pavilion at Robert Post Park. They wanted to express their sincere appreciation to the staff at the Park for all of their assistance in making their event a memorable occasion. They highly recommend Robert Post Park as an ideal place to hold events in an outdoor venue.

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ABSTRACT OF CLAIMS

Councilman Morrow motioned to approve the August 2015 abstracts as presented as submitted, 2nd by Councilman Secreto.

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

BUDGET MODIFICATIONS

August 2015

General Fund:

Modify Appropriation A7140.401 (Rec. Equip. Reserve) to be funded through A5110 (Approp. Fund Bal.-Softball League) electric- Orlando St. Ballfield	358.69
Modify Revenue A1288 (impound fees-police) and appropriation A3120.431 (Detective Line) impound fee paid by Annie Wellington - Reimb. For bill paid to Stage One by police Dept.	250.00
Modify Appropriation A7140.401 (Rec. Equip. Reserve) to be funded through A5110 (Approp. Fund Bal.-Football League) Greg Maisch- Mileage reimb- Jan.-July 26th	556.37
Modify Appropriation A7140.401 (Rec Equip.Reserve) to be funded through A5110 (Approp. Fund Bal.-Football League) K&K Insurance Group-Liability & equipment floater -Ftbl League	1,933.75
Modify Appropriation A7140.401 (Rec. Equip.Reserve) To be funded through A5110 (Approp.Fund Bal.-Rec.Equip.Rsrv) Fabric-Spinnenweber PFV LLC-Rail Trail Project	990.00
Modified Appropriation A7140.401 (Rec.Equip Reserve) to be funded through A5110 (Approp. Fund Bal.-Rec Equip. Rsrv) Shale-Estern Material LLC- Rail Trail Project	3,245.17

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Modified Appropriation A7140.401 (Rec.Equip Reserve) to be funded through A5110 (Approp. Fund Bal.-Rec Equip. Rsrv) Bank run Gravel-Duke's Pit - Rail Trail Project	120.00
Modify Revenue A2650 (Sale of Scrap & Excess Material) and Appropriation A3120.431 (Detective Division) sale Of alum.wheels & auto Hulks to Millens Metal Recycling of kng - Case #483-14 re-paying town for tow Paid To Cars Plus	171.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Softball League) electric - Orlando St. Ballfield	385.15
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (approp.FundBal.-Softball League) Rakes,shovels,hose nozzel - Herzog Supply	82.45
Modify Appropriation A7140.4101(Rec.Equip.Reserve) to be Funded Through A5110 (Approp.Fund Bal.-Ftbl League) memberships & Certifications- USA Football	100.00
Modify Revenue A2665 (Sale of Equipment) and Appropriation A3120.201 (Police Vehs. & Prep.) Sale of 2005 Chevy Impala & 2008 Dodge Charger-Police Vehicles-Auctiona International	4,825.00
Highway Fund:	
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) June Gas Reimb. (Ruby Fire Dept)	302.77
Modify Revenue D1289 (Oth.Dept.Income) And Appropriation D5110.420 (Gas & Oil) June Gas Reimb. (Ulster Hose #1-Spring Lake Fire Dept.)	120.93
Modify Revenue D1289 (Oth.Dept.Income) And Appropriation D5110.420 (Gas & Oil) June Gas Reimb. (East Kingston Vol. Fire Co.)	249.48
Modify Revenue D1289 (Oth.Dept.Income) And Appropriation D5110.420 (Gas & Oil) June gas Reimb. (Town of Kingston Hwy. Dept.)	400.25
Modify Revenue D1289 (Oth.Dept.Income) And Appropriation D5142.420 (Gas & Oil) March Gas Reimb. (Town Of Esopus Hwy. Dept)	54.41
Modify Revenue D1289 (Oth.Dept.Income) And Appropriation D5110.420 (Gas & Oil) April-May Gas Reimb. (Town OF Esopus Hwy. Dept.)	1,034.76

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Modify Revenue D1289 (Oth.Dept.Income) And Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (Ruby Fire Dept.)

189.71

August 2015

	Transfer From:	Transfer To:	
General Fund	A110.400 Court Steno	A1110.402 Off.Equip,&Computer	592.00
	A1220.400 Contract Expns.	A1220.403 Office Supplies	200.00
	A7110.102 Parks/Grnds.Wages	A7110.426 Repairs,Constr	14,760.00
Bright Acres WTR	SW4.8320.409 Rep.&Suppl.	SW4.8320.454 Maint.	160.00
	SW4.8320.409 Rep.&Suppl.	SW4.8320.250 Meters&Hydrants	24.00
Ulster Sewer	SS2.8130.401 Flow Monitoring	SS2.8130.3422 Equip. Maint.	10,000.00

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Supervisor Quigley addressed the audience to explain the process of the Town Board regarding the adoption of Local Laws:

Meeting 1 - The Law is introduced and we ask that it be published on our website.

Meeting 2 - Usually two weeks after Meeting 1, setting of the Public Hearing, usually at the next Town Board meeting.

Meeting 3 – Approximately six weeks after the introduction of the law, this is where we have the Public Hearing.

Meeting 4 – Vote on the Proposed Law.

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Supervisor Quigley stated that it was not quite 7:10 and asked that we go out of Agenda order and call for the:

Presentation of Local Law No _____ of 2015, a Local Law Providing for the Adoption of an Animal Husbandry Law for the Town of Ulster

Mr. Maloney explained that the Town Board authorized the formation of a committee about 2 ½ months ago to look at creating an Animal Husbandry Law for the protection of all residents in the Town. Currently there are no laws on the books that govern livestock and agriculture. The Committee consists of Mr. Maloney, Mr. Kovacs, Mr. Kitchen, Building Inspector Kathy Moniz and Mr. Morrow (as a farmer). In addition, the Ulster County Planning Department provided assistance and guidance, Mr. Maloney as Legislator and liaison to the Farmland Protection Board of Ulster County in the writing of the proposed law.

After many meetings and drafts, the proposed law was developed and is being presented here. The goal is not to restrict farming, it exempts every existing farm; and it only pertains to R-10 and R-30 Districts, which represents 21% of the Town. (A map was shown of the area affected)

Mr. Kovacs spoke about the drafting of the Law. The highlights of the Animal Husbandry Law, which is defined as the keeping, grazing, feeding and care of animal's; effects only the dense population areas which are the R-10 and R-30 residential areas. Minimum standards were set up regarding animals not normally kept in a residential area.

At the September 3rd meeting, the Board will ask that a Public Hearing be set for September 17th, 2015 around 7:00 -7:15 PM. At that time, those wishing to comment will be invited to the podium to speak. The Proposed Law is available on the Town web-site, and everyone is encouraged to go online at www.townofulster.org and view it before the meeting. If you have any written comments that you wish to send, please send them to the Supervisors Office.

PUBLIC HEARING 7:10 pm-Local Law No _____ 2015, a Local Law providing for the Adoption of a New Section 22 of Chapter 105 of the Town Code (Code of Ethics)

**Motion to Open the Public Hearing by Councilman Morrow at 7:17 PM;
2nd by Councilman Brink.**

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Secreto	- Aye
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

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Supervisor Quigley stated that this law was originally presented in 2012, a Public Hearing was held and there were no comments. It got lost in all the business of the Town and no action was taken. The law has been brought back tonight to finish it, and consequently tonight's Public Hearing.

All those wishing to speak, please come to the podium, state your name, address for the record, and keep your statements brief to allow everyone a chance to speak.

Mr. Fred Wadnola – Lake Katrine

Mr. Wadnola congratulated the Town Board on working to update Chapter 22 of the Town Code. Stated that he has reviewed the papers and has a few questions. He does not expect an answer; he just wants to state concerns. He stated that the Town Attorney wrote this law, and in other towns, the Town Attorney is considered an official of the town. He could not find that wording in this law, and thought this might be an oversight.

He is curious if the Town Board had any input, as under the section on Nepotism, it appears we will lose two longstanding employees; a Building Department employee; and an employee in the Supervisors Office under this revision.

Lastly, he wondered if there had been any input from the Board of Ethics, had they reviewed the document changes. He doesn't believe they have had any meetings lately.

Robert Crane – Vincent St. Kingston

Mr. Crane went through the law and agrees 100% on this. He believes there are those that can take advantage; and once you are an official you should not be a committeemen or officer of any Political Organization.

Mr. Michael Berardi – Town of Ulster resident

Mr. Berardi speaks in favor of this law and congratulates the Board for bringing it forward. He believes in regular review of these laws. He believes the appearances we put forth, are realized by the residents.

Mr. James Maloney - Town of Ulster resident

Mr. Maloney agrees with Ethics Reform, however he states that consideration should be given and he gave the following scenario-when a position opens up and say an assessor who possible held a position within the past 24 months in a political organization in another county, then moves up here and assumes an appointed position here; consideration should be given and they should not be penalized in this manner. Other than that, he believes it to be a good job done.

A letter was read from Nancy France – Lake Katrine

Ms. France stated that she believes the document needs to be understood by all Town employees, as well as elected and appointed officials. She finds the new Proposed Code of Ethics to be difficult to understand, such as section 22-4, A (10). She thinks the Board needs to rewrite it and present it at a later date.

In addition she stated in Section 22-4, A (8) it prohibits the holding of office in a political party. This should be limited to Town of Ulster politics.

Section 22-4, A (12)(b) prohibits an employee from bidding on surplus items. As long as it is a sealed bid, it should not matter if they are an employee.

Section 22-4, A (13) (c) in regards to Nepotism. She states that The Board should review the nepotism clause in the Town of New Paltz Town Code for an example on how to address the problem.

Section 22-13 defines the membership of the Board of Ethics. She suggests that a Town employee be considered as one member of this Board.

Kathy Moniz – Building Inspector

Ms. Moniz states that her staff member would be affected by the Nepotism clause, and she feels that as an invaluable employee to the Town, she asks that the Board consider revising.

Supervisor Quigley stated that the Supervisors would accept written comments for the next 30 days to his office for those who do not want to speak in public. We will not be voting, until the earliest, September 17th Town Board Meeting. All comments will be presented and discussed on September 3rd.

Councilman Kitchen – Suggests that the section regarding the town official leaving office not being able to assist in the planning board process, be looked at and shortened. This affects his being able to help clients in his real estate business. Also, employees not being able to be a part of a political committee; he believes employees should be able to join if they so choose.

Councilman Secreto – stated for the record that the employee spoken about in the Building Dept. is his wife who has worked for the town for 11 ½ years and it would not be right to expect her to resign. He would resign his position first, allowing her to remain in her position. He does not believe it is right. In addition, as far as the solicitation of monies; the Babe Ruth and Little Leagues, the Recreation Department and Jeff Hayner solicit monies all the time; is there going to be a cap on that. It probably affects more people then is realized at this time. Existing employees should be grandfathered.

Supervisor Quigley stated that all comments would be taken into consideration as the law went through the review process.

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**Motion to close the Public Hearing by Councilman Kitchen at 7:33 PM;
2nd by Councilman Secreto**

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Secreto	- Aye
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

NEW BUSINESS

Authorize the Ulster Sewer District to purchase a 2015 Ford F-150 pickup truck from Henderson Ford, through NYS OGS Award #22737 Lot II: Item 15 as equipped, with price not to exceed \$26,352.34.

MOTION: Councilman Brink
SECOND: Councilman Kitchen

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Motion to authorize the Supervisor to sign a Water Service Agreement with Michael and Jodee Keller, SBL #48.9-1-10.100, 5 Oak Ridge Terrace, Kingston NY 12401

MOTION: Councilman Kitchen
SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Resolution granting Conditional Site Plan Approval to Hubbard Holdings, LLC dba Star Gas Products for 867 Flatbush Road, Kingston, NY SBL#48.12-2-2 and 9.1

WHEREAS, the applicant – *Hubbard Holdings, LLC dba Star Gas Products, Inc.* – submitted an application seeking concurrent Lot Line Adjustment approval to combine two lots and Site Plan approval to construct a 5,000 square-foot (sf) steel office building (with a 2-bay garage/storage area) on the subject site, which is located at 867 Flatbush Road (NYS Route 32) and Ulster Landing Road; and

WHEREAS, the application materials in support of the Proposed Action includes:

- *Project Narrative* prepared by Michael F. Vetere, Jr. LS dated July 7, 2015;
- *Site Plan Application* prepared by Richard Muellerleile dated July 7, 2015;
- *Site Plan Consent Form* by Richard Muellerleile – Property Owner – dated July 7, 2015;
- *SEQR Short EAF* prepared by Michael F. Vetere, Jr. LS dated July 7, 2015;
- *Map of Lot Line Deletion* prepared by Michael F. Vetere, Jr. LS dated July 7, 2015;
- *Proposed Site Plan* prepared by Christopher R. DiChiaro, P.E., dated August 6, 2015;
- *Access Road & Erosion Control Plan* by Christopher R. DiChiaro, P.E., dated 8/6/15; and
- *Proposed Site Plan* prepared by Christopher R. DiChiaro, P.E., dated August 6, 2015.

WHEREAS, the Town of Ulster Planning Board as Lead Agency for this *Unlisted Action-Coordinated Review* issued a SEQR Negative Declaration and granted Lot Line Adjustment approval to combine Tax Map Lots S-B-L: 48.012-2-2 & 9.1; and

WHEREAS, pursuant to Section 161-9 of the Town Code, the Town Board has the authority to approve the Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board, since more than 2,500 SF of new gross floor area is proposed with this application; and

WHEREAS, other Involved Agencies include: the Ulster County Department of Health (Approval of Septic System), NYSDEC (General Permit for Construction Activities, SWPPP and SPDES Permit); and Ulster County DPW for road access; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board by the Town of Ulster Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and written comments from the UCPB were received that included *required modifications*; and

WHEREAS, upon review of the UCPB required modifications, the Town of Ulster Town Board found two of the required modifications were satisfied through revisions to the applicant's plan set and the remaining two (i.e. UCHD approval of septic design and UCDPW approval of modified site access) should be treated as conditions of the Site Plan approval; and

WHEREAS, the Town's consulting engineer's Brinnier & Larios have reviewed the plan set and asked for some minor revisions, but recommended acceptance of the *Access Road & Erosion Control Plan*; and
Star Gas Products, Inc.

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WHEREAS, the Town Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the UCPB determined the materials they received to review did not constitute a “*full statement*” and has asked the Proposed Action be referred back to the UCPB upon submission of a complete application; and

WHEREAS, the Town of Ulster Planning Board has referred this matter to the Town Board with a recommendation of referral this matter back to the UCPB and granting Conditional Site Plan approval.

NOW THEREFORE BE IT RESOLVED the Town Board – upon receipt of the additional application materials as requested by the UCPB, hereby find the Site Plan application complete and refers this matter back to the Ulster County Planning Board; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby grants Conditional Site Plan approval on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with site plan, design plans and all details as cited herein;
4. Submission of revised Plan Set to address technical revisions requested by the Town’s consulting engineer’s Brinnier & Larios;
5. Approval of the septic design by the UCHD and approval of site access modifications by the Ulster County DPW;
6. *There are no required modifications or a recommendation for disapproval by the Ulster County Planning Board, which would be unacceptable to the applicant and thereby require the applicant to reappear before the Town Board;*
7. The Town’s consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
8. All fees, including consultant fees, shall be paid.

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

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Presentation and Acceptance of the Town Clerk's Monthly Report for July 2015.

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Presentation and discussion of a Resolution for the purpose of Considering the Establishment of a Fire District Pursuant to Article 11 of the Town Law

This is for the Eddyville-Bloomington Area.

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Resolution Declaring the Town of Ulster's Notice of Intent to be Lead Agency for Coordinated SEQR Review for Urban Precast, SBL 48.66-2-2.210

WHEREAS, the Town of Ulster Town Board and its consultant planner have reviewed an application by *Urban Precast* seeking Site Plan Amendment approval to construct a 11,550 square foot (sf) addition to their existing 95,467 sf building so they can expand their manufacturing operation at 8 Kieffer Lane; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- *Site Plan Consent Form* signed by David Auringer – property owner - dated July 27, 2015;
- *Site Plan Application* prepared by Elizabeth Mello, P.E., Brooker Eng., PLLC dated 6/12/15;
- *SEQR Short EAF* signed by David Auringer – property owner - dated July 27, 2015;
- *Building Addition Plan* prepared by Brooker Engineering, PLLC dated June 27, 2015;
- *Building Addition Details* prepared by Brooker Engineering, PLLC dated June 27, 2015;
- *Building Elevations* prepared by Brooker Engineering, PLLC dated June 27, 2015; and

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- *Fire Truck Apparatus Plan* prepared by Brooker Engineering, PLLC dated June 27, 2015.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board; and

WHEREAS, the Town of Ulster Town Board, upon review of the SEQR Short EAF Part 1 determined the Proposed Action was an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, Interested Agencies would include the Town of Ulster Planning Board and the Ulster County Planning Board (UCPB); and

WHEREAS, the Town of Ulster Planning Board, at its August 18, 2015 meeting referred this matter to the Town Board for the purpose of initiating a SEQR *Unlisted Action review* with the Town Board so named as Lead Agency and referring the application to the UCPB and Town Departments.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board, based upon the above and its own review of the application materials, hereby declares its intent to be Lead Agency for an Unlisted Action review and directs the Town Clerk to circulate a Notice of Intent to all Interested Agencies.

Motioned by: Secreto

Seconded by: Morrow

All in Favor:

All Opposed:

James E. Quigley, III, Supervisor

____ Aye ____

Eric Kitchen, Deputy Supervisor

____ Aye ____

Joel Brink, Councilman

____ Aye ____

John Morrow, Councilman

____ Aye ____

Rocco Secreto, Councilman

____ Aye ____

OLD BUSINESS

**RESOLUTION OF THE BOARD MEMBERS OF THE TOWN OF ULSTER
AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU OF TAXES (“PILOT”)
AGREEMENT BY AND BETWEEN THE TOWN OF ULSTER, ULSTER GARDENS
LIMITED PARTNERSHIP AND ULSTER GARDENS HOUSING DEVELOPMENT
FUND COMPANY, INC.**

WHEREAS, the Town of Ulster (the “Town”) desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for senior citizens and income-restricted persons based upon the results of the 2010 decennial Federal Census; and

WHEREAS, Ulster Gardens Housing Development Fund Company, Inc., an Article XI New York State Private Housing Finance Law corporation and a New York not-for-profit

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corporation (the "HDFC"), and Ulster Gardens Limited Partnership, a New York limited partnership (the "Partnership"), collectively own a 9.36 acre parcel of land (SBL No. 48.58-7-21.111) commonly known as 1103-2350 Ulster Gardens Court a/k/a 1000 Ulster Gardens Court and 2000 Ulster Gardens Court, in the Town and County of Ulster, State of New York (the "Land"), known as the Ulster Gardens I project, upon which the Partnership has constructed a housing project for senior citizens and income-restricted persons, said Project consisting of: (i) eighty-two (82) units of housing for persons of low-income on the aforesaid Land (the "Improvements"); and (ii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment", and collectively with the Land and the Improvements, the "Project"); and

WHEREAS, the HDFC was formed for the purpose of providing residential rental accommodations for senior citizens and income-restricted persons; and

WHEREAS, the HDFC acquired fee title to the Land, as nominee for the Partnership, and conveyed its equitable and beneficial interests in the Land to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC's and the Partnership's use of the Property constitutes a "housing project" as that term is defined in the Private Housing Finance Law of the State of New York ("PHFL"); and

WHEREAS, the HDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Members of the Town Board to exempt the Project from real property taxes; and

WHEREAS, the HDFC is the co-general partner of the Partnership; and

WHEREAS, the Partnership and the HDFC are willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Board for approval, a copy of which is attached hereto as Exhibit A; and it is

NOW THEREFORE, BE IT RESOLVED, that the Members of the Town Board hereby exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approve the proposed PILOT Agreement by and among the Town of Ulster, the Partnership and the HDFC, in substantially the form attached hereto as Exhibit A, providing for annual payments as set forth in such agreement; and it is

FURTHER RESOLVED, that the Supervisor of the Town is hereby authorized on behalf of the Town to execute and deliver the forgoing PILOT Agreement; and it is

FURTHER RESOLVED, that a fully executed copy of the PILOT Agreement will be filed in the Office of the Town Clerk of the Town of Ulster, Ulster County, New York; and it is

FURTHER RESOLVED, that this resolution shall take effect immediately.

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MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

RESOLUTION OF THE BOARD MEMBERS OF THE TOWN OF ULSTER AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU OF TAXES (“PILOT”) AGREEMENT BY AND BETWEEN THE TOWN OF ULSTER, ULSTER GARDENS II LIMITED PARTNERSHIP AND ULSTER GARDENS II HOUSING DEVELOPMENT FUND COMPANY, INC.

WHEREAS, the Town of Ulster (the “Town”) desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for senior citizens and income-restricted persons based upon the results of the 2010 decennial Federal Census; and

WHEREAS, Ulster Gardens II Housing Development Fund Company, Inc., a to-be-formed Article XI New York State Private Housing Finance Law corporation and a New York not-for-profit corporation (the “HDFC”), and Ulster Gardens II Limited Partnership, a to-be-formed New York limited partnership (the “Partnership”), have identified a 36.89 acre parcel of land (SBL No. 48.58-7-21.112) located at Ulster Gardens Court, Town and County of Ulster, State of New York (the “Land”), commonly known as the Ulster Gardens II project for the purpose of the construction on the Property of a housing project for senior citizens and income-restricted persons, said project to consist of: (i) the construction of up to eighty-two (82) units of housing for persons of low-income on the aforesaid 36.89 acre parcel (the “Improvements”); and (ii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the “Equipment”, and collectively with the Land and the Improvements, the “Project”); and

WHEREAS, the HDFC will be formed for the purpose of providing residential rental accommodations for senior citizens and income-restricted persons; and

WHEREAS, the HDFC will acquire fee title to the Land, as nominee for the Partnership, and will convey its equitable and beneficial interests in the Land to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the Private Housing Finance Law of the State of New York (“PHFL”); and

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WHEREAS, the HDFC will be a “housing development fund company” as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Members of the Town Board to exempt the Project from real property taxes; and

WHEREAS, the HDFC will be the co-general partner of the Partnership; and

WHEREAS, the Partnership and the HDFC will be willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Board for approval, a copy of which is attached hereto as Exhibit A; and it is

NOW THEREFORE, BE IT RESOLVED, that the Members of the Town Board hereby exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approve the proposed PILOT Agreement by and among the Town of Ulster, the Partnership and the HDFC, in substantially the form attached hereto as Exhibit A, providing for annual payments as set forth in such agreement; and it is

FURTHER RESOLVED, that a building permit shall be issued by the Town for the Project within one year of the date hereof and a certificate of occupancy issued for the Project within three years of the date hereof or this Resolution shall become null and void; and it is

FURTHER RESOLVED, that the Supervisor of the Town is hereby authorized on behalf of the Town to execute and deliver the forgoing PILOT Agreement; and it is

FURTHER RESOLVED, that a fully executed copy of the PILOT Agreement will be filed in the Office of the Town Clerk of the Town of Ulster, Ulster County, New York; and it is

FURTHER RESOLVED, that this resolution shall take effect immediately.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

**Resolution Authorizing Supervisor to Sign PILOT agreement with HKN Ulster, LLC
(Seven Greens Senior Complex)**

Whereas, the Town of Ulster desires to encourage a sufficient supply of adequate, safe, and affordable dwelling accommodations for senior citizens in the town of Ulster,

ULSTER TOWN BOARD MEETING

August 20, 2015 AT 7:00 PM

Whereas, HKN Ulster, LLC, has entered into a contract to acquire property in the town of Ulster of the purpose of constructing or improving 149 units of affordable senior housing,

Whereas, to facilitate the provision of affordable housing for our seniors and to provide a feasible economic climate for the project, it is necessary to accept a payment in lieu of taxes,

Whereas, the final form and term of this payment in lieu of taxes agreement will be defined and voted upon prior to the start of construction, the PILOT agreement will contain the following specifics:

1) A payment of \$400.00 per dwelling unit will be paid, annually, by January 31 by HKN Ulster, LLC, or their successors, in lieu of payment for Ulster General, Ulster Highway, Ulster County, and Kingston Consolidated School District taxes. Said \$400.00 will increase 2% annually.

2) This PILOT will be in effect for forty (40) years or until the project ceases to be an affordable senior housing project, whichever term is less.

3) The distribution of the residual amount of the PILOT will be determined by Town Board resolution.

Therefore, Be it Resolved, that the Town Board wishes to enter into this PILOT agreement with HKN Ulster, LLC, and hereby authorizes the Town Supervisor to execute and deliver the agreement as described above.

MOTION: Councilman Brink

SECOND: Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Resolution of Standard Workday Resolution for Assessor James F. Maloney.

WHEREAS, Regulation 315.4 of the New York State & Local Retirement System requires the Governing Body of the town to establish a Standard Workday and Reporting system for all elected and appointed town officers that were elected or appointed after September 12, 2009, and

WHEREAS, persons affected are those that are enrolled in the New York State Retirement System as either Tier 2, 3, 4 or 5 members, and

ULSTER TOWN BOARD MEETING

August 20, 2015 AT 7:00 PM

WHEREAS, the persons affected are those that receive monetary compensation for their duties and do not use the town's Time Clock nor use Time Sheets to document their work hours; now therefore be it

RESOLVED, that eight (8) hours is established as the Standard Workday; and be it further

RESOLVED, that the recording of time worked consists of a three month Time/Work log starting on January 1, 2015. This Time/Work log shall be created and maintained by the affected worker; and be it further

RESOLVED, that once passed, this Resolution shall be posted on the Town's Website and the Official Sign Board for a period of at least 30 days; and be it further

RESOLVED, that the Ulster Town Clerk shall submit a certified copy of the resolution and affidavit of its posting to the Office of State Comptroller; and be it further

RESOLVED, that once the three month time period Time/Work log is completed, the affected person shall sign and submit their Time/Work log to the Ulster Town Clerk; and be it further

RESOLVED, that the Governing Body of the Town shall utilize the Time/Work logs to calculate the percentage of the Standard Workday worked over the 3 month time period and report the findings to the New York State & Local Retirement System so that the New York State & Local Retirement System may determine pension credits; and be it further

RESOLVED, that the Ulster Town Clerk shall retain the Time/Work logs submitted for a period of ten years.

Elected or Appointed Officers affected by regulation 2 NYCRR 315.4

Name	Title	Term of Office	Days/Months (Based on Record of Activities)
James F. Maloney	Assessor	2013-2019	

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

ULSTER TOWN BOARD MEETING

August 20, 2015 AT 7:00 PM

Motion to authorize the Supervisor to sign the Stipulation of Settlement Agreement by and between the Town of Ulster and Laborers International Union of North America, Local 17, AFL-CIO and Daniel Durling

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Motion to authorize the hiring of one full time permanent Police Officer Kevin Woltman, as a conversion from full time temporary status at the same rate of pay \$21.19 per hour.

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Presentation for review and future discussion of Updated Intrastate Mutual Aid Program for the Town of Ulster.

This is a procedure plan for the Town to request or provide Mutual Aid under an Intrastate Mutual Aid Program without having to wait for approvals and contracts. This allows areas to send or receive resources, including NYS in the event of an emergency.

This is being provided for review and will be addressed at a future meeting.

Motion to authorize the Supervisor to sign the 2015-2016 Kingston Consolidated School District SRO Agreement, as requested by the Police Matters Committee.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

PUBLIC COMMENT

John Heitzman – Ledge Rd. Fox Run Resident

A few years ago, a conversation was had with Supervisor Quigley about a crash gate at Quail Drive. At first the extension was supposed to be gravel covered with grass, but is now a paved road. Not having a crash gate has caused problems and the road has become a menace.

Pedestrians walk on the road as there are no sidewalks; drivers are ignoring the keep left and are coming down the road. He believes the road should be policed and a 5 mph speed limit be enforced in the right direction.

Supervisor Quigley asked if there was a specific time and was advised that it can happen any time. Chief Cruise was asked to increase patrols for traffic enforcement including both speed and other violations. Mr. Petramale was asked about the possibility of sidewalks, and he advised the slopes are steep but they could evaluate it. Sidewalks were not put in as none of the streets in Sunrise Dr. have sidewalks. Mr. Petramale has fielded other complaints regarding these streets. Letters will be forthcoming.

Amanda Randall – Town of Hurley

Spoke about the impact of the “Chicken Law” and the impact it could have in the area. Her children have now joined 4H because of their ownership of these “pets”.

She also states that the site plan and terms are ambiguous and there is no clear plan to follow. She is concerned this will affect other areas and become widespread.

Councilman Kitchen pointed out that there is a 4H exemption. Ms. Randall stated that while she appreciates that fact, it does not cover others who are residents here, and she believes that to be discriminatory.

Harry Slade – Town of Kingston speaking on behalf of his daughter who is a Town resident.

The Town Attorney stated that existing uses would not be affected; however he calls attention to Section 190.71 paragraph D which states that “Animal Husbandry in practice before this zoning code shall be deemed a nonconforming use with respect to these minimum size lot requirements. In other words, the only thing that is nonconforming is the lot size. There are other concerns; an example is the number of chickens. The law states the maximum number is 6, which anyone who has chickens knows is not enough. So somebody with 12 chickens would have to divest themselves of 6 chickens. This paragraph should be expanded to include the entire situation, including the number of chickens allowed.

Frank Rittie, Jr. – East Kingston Resident

He is concerned about not being allowed to have roosters. He has had chickens and rooster for 47 years, how is he supposed to sustain his stock, if he has to rid himself of roosters. His hamlet of East Kingston has been there for over 100 years, why does one person moving in get to change the way a neighborhood has been instead of changing to fit in to the neighborhood.

Mr. Rittie, Jr. also distributed a DVD of Mr. Jameson pouring something (poison) across the roadway.

Gaetana Ciarlante – Town of Saugerties

Ms. Ciarlante is here because her chickens were born here and she looks forward to getting more chickens from Ulster. She also believes that this law targets low to middle income families that are raising the chickens for food at a savings.

She has a rescued rooster and they are wonderful and protect the hens. She believes people should insulate their houses. Chickens also eat ticks and other pests. There are agencies that monitor the wellbeing of animals.

She is afraid that Ulster passing this law will affect other communities.

Anna Parks – Town of Ulster resident

She believes that 5 chickens are enough for any household to feed not only their family, but many in the neighborhood.

Frank Rittie – Park Attendant

First he would like to state his appreciation of the letter read tonight, and also thank the Highway, Water and Sewer Departments. Without their help, the park would not be as what it is today.

He would like to bring up the subject of Geese and Seagulls and the mess they are causing when the park patrons feed them. They are also endangering the welfare of the birds, but meanwhile they are “crapping” all over and causing a mess.

ULSTER TOWN BOARD MEETING

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He asks that the Town Board follow Dutchman's Landing in Catskill which have signs that state "\$1,000.00 fine for feeding birds and wildlife". He believes this will deter people from feeding the birds. Mr. Brink also confirmed that garbage containers are kept closed.

Terri Quarantino – Flatbush Road – Ulster

She states that on Tuesday at 11:45, shut her front door and her house rumbled so badly that she thought her natural gas line ruptured or something. Her daughter (next door) called because of the shaking. It was Callahan blasting that caused the problem.

Supervisor Quigley asked that Mrs. Quarantino call the office with the information so that they can follow up on the situation.

Councilman Morrow moved to adjourn the meeting at 8:08 PM
2nd by Councilman Secreto

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Respectfully Submitted by
Linda A. McDonough
Ulster Town Clerk

RECEIVED

AUG 20 2015

BY 
Ulster Town Clerk's Office

August 20, 2015

Nancy France
50 Jeanette Lane
Lake Katrine, New York 12449

Re: Proposed Town of Ulster Ethics Code

Dear Town of Ulster Board Members,

The Town of Ulster Ethics Code is a document that must be read and understood by all Town employees, as well as elected and appointed officials. This new proposed Code of Ethics, as presented, is often very difficult to understand. For example, what is the meaning of section 22-4, A. (10)? I would hope the Board would consider rewriting this document in layman's terms and present it again at a later date.

In addition, in the proposed Code of Ethics:

- Section 22-4, A. (8) would not allow an employee to hold an office in a political party or organization. This should be limited to Town of Ulster political parties or organizations. The Town of Ulster currently has employees who do not live within the Town. These employees should be able to hold such an office, outside the Town, without incurring a conflict of interest.
- Section 22-4, A. (12)(b) does not allow an employee to bid on surplus items. As long as a closed bidding process is used, I believe it should not matter if a bidder is an employee.
- Section 22-4, A. (13)(c), Nepotism. Nepotism or the appearance of nepotism is a problem. I think it is possible to allow relatives to be employed in the Town of Ulster with restrictions. The nepotism clause in the Town of New Paltz town code is a good example of how to address the problem. It includes all town employees, not just full time, year round positions. Please see attached.
- Section 22-13 defines the membership of the Board of Ethics. I suggest that a Town employee be considered as one member of the Board of Ethics.

Thank you for your consideration.



Nancy France

Cc: Linda McDonough, Town of Ulster Town Clerk

- (2) The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
 - (3) The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
- C. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ 15-13. Interests in contracts.

- A. No municipal officer or employee may have an interest in a contract that is prohibited by § 801 of the General Municipal Law.
- B. Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by § 803 of the General Municipal Law (Disclosure of interest).

§ 15-14. Nepotism.

Except as otherwise required by law:

- A. No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- B. No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties without prior approval of the Town Board.
- C. Disclosure of relationships, as defined in § 15-2, must be made by the person seeking employment and/or appointment with the Town of New Paltz.

§ 15-15. Political solicitations.

- A. No municipal officer or employee shall directly or indirectly compel or induce or attempt to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- B. No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.
- C. No municipal officer or employee shall use his or her official position to obtain, provide, furnish or supply any municipal resource, including but not limited to personnel, services, equipment, supplies or facility on behalf of any political party or candidate, political club or association or any political society or committee. In addition, no elected official or any chairperson of any Town committee, commission or board shall hold office in any political party, political club or association, society or committee. This provision shall not be interpreted or construed as precluding any municipal officer or employee from being involved in the political affairs of the Town as a private citizen, nor shall it preclude any municipal officer or employee from soliciting and/or receiving campaign contributions in the course of a political campaign for public office conducted pursuant to the laws of the State of New York, nor shall it exempt any municipal officer or employee from any federal, state or local rules, regulations,